

**REMARKS**

Applicants respectfully request entry of the Response and reconsideration of the rejection of the claims.

**Interview Summary**

Applicants thank Examiner Nolan for the interview on December 8, 2005. We discussed the double patenting rejections.

**Double Patenting and Obviousness**

The Examiner rejected claims 1-3, 5-11, 14 and 21-23 provisionally under obviousness-type double patenting over claims 1-9, 13-15 and 20-22 of copending application Serial No. 08/943,771. The Examiner rejected claims 19-20 under 35 U.S.C. § 101 statutory double patenting over claims 1 and 5 of copending application Serial No. 08/943,771. Applicants respectfully traverse. U.S. Application Serial No. 08/943,771 is abandoned rendering these rejections moot. A copy of the Notice of Abandonment is attached to this response.

**SUMMARY**

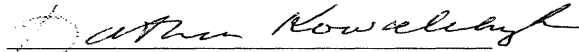
In view of the foregoing, the Applicants believe that all claims as currently pending are in condition for allowance and such action is respectfully requested. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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Date:

June 6, 2006

  
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**23552**

PATENT TRADEMARK OFFICE



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/943,771	10/06/1997	KYUNG JIN KIM	P1092	9681
23552 7590 05/11/2006				
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MINNEAPOLIS, MN 55402-0903				
EXAMINER				
BRANNOCK, MICHAEL T				
ART UNIT				
PAPER NUMBER				
1649				

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Abandonment**

Application No.

08/943,771

Examiner

BRANNOCK

Applicant(s)

KIM

Art Unit

1649

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_.
- (a) ☐ A reply was received on \_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_ month(s)) which expired on \_\_\_\_.
- (b) ☐ A proposed reply was received on \_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- (c) ☐ A reply was received on \_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
- (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
- (b) ☐ The submitted fee of \$\_\_\_\_ is insufficient. A balance of \$\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_.
- (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
- (a) ☐ Proposed corrected drawings were received on \_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_), which is after the expiration of the period for reply.
- (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

lgd

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.